



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960
SEP - 6 2001

Ms. Aloma Dew, Chair
Kentucky Environmental Quality Commission
14 Reilly Road
Frankfort, KY 40601-1132

Dear Ms. Dew:

Thank you for your letter dated August 3, 2001, on behalf of the Environmental Quality Commission (EQC), concerning the October 11, 2000, coal slurry spill in Martin County, Kentucky. You recommended that the U.S. Environmental Protection Agency (EPA) take a number of steps to facilitate restoration of streams affected by the spill and to enhance the public's knowledge of progress toward that end. EPA is committed to ensuring that the ongoing work in Martin County is planned and executed in a technically sound and responsible manner, and we appreciate EQC's interest in this project. I will address each of your recommendations in detail below.

With regard to your request that EPA provide opportunity for public input on the proposed restoration plan, EPA will provide copies of the completed stream and floodplain restoration plan to the document repository located in the office of Mayor Richard Penix of Inez, Kentucky. Interested local citizens will be afforded the opportunity to review the plan and submit comments directly to EPA. In addition, it is anticipated that restoration of the streams affected by the slurry spill will include physical modification of the streams, as well as installation of habitat structures in the stream channels themselves, in order to return natural channel dimensions and habitat complexity to areas disturbed during excavation of the slurry material. Section 404 of the Clean Water Act requires that a discharge of dredged or fill material (i.e. soil, rock, etc.) into waters of the United States must be preceded by a permit from the U.S. Army Corps of Engineers (Corps). This permitting process includes an official opportunity for public comment on the proposed plans, which the Corps takes into consideration during its permit decision process. EPA will keep the community informed regarding the status of the Section 404 permit application.

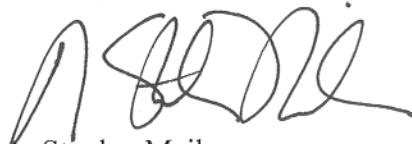
EQC also recommended that EPA establish an oversight board comprised of state and federal officials to monitor implementation of the restoration plan. The Administrative Order on Consent that was entered into by Martin County Coal Corporation and EPA in March 2001 established a Stream Assessment and Cleanup Survey (SACS) team. The SACS team has evolved since its inception and now includes representatives of EPA, Kentucky Division of Water, Kentucky Department of Fish and Wildlife Resources, U.S. Fish and Wildlife Service, West Virginia Department of Environmental Protection, and the West Virginia Department of Natural Resources. This group acts as an advisory council to the EPA On-Scene Coordinator and has provided critical insight and suggestions throughout the response to the spill. This body will

continue to provide input to EPA during the restoration work. EPA believes that this entity serves as an oversight board, not unlike the body that you have recommended.

Finally, EQC requested that EPA create a public advisory committee to advise the oversight board on issues of public concern and provide a forum for public input. EPA maintained a community outreach center in Inez, Kentucky from March to July 2001. EPA has also arranged regular conference calls since June 2001, whereby anyone in the community is provided an opportunity to speak with EPA representatives at the regional office in Atlanta. EPA intends to continue these calls, and will also offer assistance to the community in order to establish an advisory committee that can further direct these discussions if the community so desires.

We appreciate EQC's interest in the ongoing response to the slurry spill in Martin County, Kentucky, and hope that you find this information useful. If EPA may be of further assistance on this matter, please feel free to contact Mr. Eric Somerville at (404) 562-9414 for technical concerns, or Mr. Brian Holtzclaw at (404) 562-8684 or Ms. Sherryl Carbonaro at (404) 562-8724 for issues pertaining to public involvement and community concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Stanley Meiburg', with a stylized, cursive script.

A. Stanley Meiburg
Acting Regional Administrator

cc: Secretary James E. Bickford,
Kentucky Natural Resources and Environmental Protection Cabinet